

to contemporary readers that the parts of discourses are more important than the rhetorical situation for which they are composed. Ancient users of sophistic texts would not have made this error, since their cultures were far less text oriented than ours.

We begin our study of rhetoric with the first canon: invention. We present three ancient approaches to this canon. The first, considered in this chapter, was developed during the period when the Older Sophists were speaking and teaching in the city of Athens. The development of the second approach—stasis theory—is credited by ancient authorities to a rhetorician named Hermagoras of Temnos. Stasis appears in almost all extant treatises on rhetoric, thus testifying to the high regard in which ancient teachers held this approach to invention. The third approach—the commonplaces—was probably developed by the sophists, but contemporary rhetoricians know it from its powerful presentation in Aristotle's *Rhetoric*. We include this wealth of inventional tactics in this book in the spirit of *copia*. We hope that our readers will try out all of them in order to gain facility in invention and to develop an abundance of propositions, arguments, and proofs.

ANCIENT DEPICTIONS OF KAIROS

Ancient rhetoricians recognized the complexity of rhetoric, and they realized that teaching such a multifarious art was a difficult task. Rhetoric cannot be reduced to a handy list of rules on writing or speaking, because each **rhetorical situation** presents its own unique set of challenges. One way to think about a particular rhetorical situation is to consider its *kairos*. A multidimensional and flexible term, *kairos* suggests a notion of space and/or time. Since American English does not have a term quite like *kairos*, a bit of explanation is in order. An important element of the rhetorical situation is the context of the **issues**, what Quintilian called the "time and place," or the "circumstances"—what the Greeks called *kairos*.

The Greeks had two concepts of time. They used the term *chronos* to refer to linear, measurable time, the kind with which we are more familiar, that we track with watches and calendars. But the ancients used *kairos* to suggest a more situational kind of time, something close to what we call "opportunity." In this sense, *kairos* suggests an advantageous time, or as lexicographers put it, "exact or critical time, season, opportunity" (Liddell and Scott 859). The temporal dimension of *kairos* can indicate anything from a lengthy time to a brief, fleeting moment. In short, *kairos* is not about duration but rather about a certain *kind* of time. In Roman rhetoric, the Latin word *opportunitas* was used in a similar manner; its root *port-* means an opening, and from it we get English verbs such as *import* and *export* as well as an old-fashioned word for a door or window, *portal*. *Kairos* is thus a "window" of time during which action is most advantageous. On Wall Street, there are *kairotic* moments to buy, sell, and trade stock to maximize gains. Victorious sprinters often accelerate at just the right time to pass

their opponents. The success of a joke or funny quip depends upon its timing, or the *kairos* of its delivery. The advantage of good timing and seizing opportunities is certainly prominent in our culture, and it is thus important for practicing rhetoric as well.

Kairos was so important for ancient thinkers that it became a mythical figure. Lysippus, the famous ancient sculptor of athletes, chose to "enroll Kairos among the gods" (Himerius 759). It is little wonder that someone knowledgeable about competitive athletics—where timing and an awareness of the situation are critical—would render *kairos* into human form. The picture of Kairos in Figure 2.1 provides a good way to think about the rhetorical situation. Indeed, the rhetor is much like Kairos, bearing many different tools. Not just anybody can balance precariously on a stick while displaying a set of scales on a razor blade in one hand and depressing the pan with the other; such balance takes practice. As you can see in Figure 2.1, a depiction of a relief at Turin, Kairos is concerned about balancing the particulars of the situation, just as he perches tenuously on edge. His winged back and feet suggest the fleeting nature of time and situations. Perhaps the most remarkable and well-known characteristic of Kairos, however, is his hairstyle. Kairos was said to have hair only in the front, suggesting that one must keep an eye out for the opportune moment and seize it by grasping the forelock before it passes.

Figure 2.2 shows another depiction of Kairos, still with wings, this time holding a wheel, suggesting movement again. In this depiction, found on a Theban limestone relief, Kairos is flying on the back of another mythical figure: Pronoia, the figure of foresight. Sitting dejected in the background



FIGURE 2.1

Kairos, from a bas-relief in Turin

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FIGURE 2.2

Kairos, from a bas-relief in Thebes

is her counterpart, Metanoia, who is the figure of afterthought or hindsight. This scene, like the forelock in Figure 2.1, suggests the importance of anticipating opportunities and seizing them before they pass.

These figures underscore the many dimensions of *kairos*. The ancients were certainly aware of its relevance to the art of rhetoric. Indeed, the Older Sophist Gorgias was famed for having based his theory of rhetoric on it. The Greek writer Philostratus tells us that Gorgias may have invented extemporaneous speaking:

For coming into the theater of the Athenians, he had the boldness to say "suggest a subject," and he was the first to proclaim himself willing to take this chance, showing apparently that he knew everything and would trust to the moment [*toi kairoi*] to speak on any subject. (Sprague 1972, 30)

By privileging *kairos*, Gorgias's rhetorical theory acknowledged the contingencies of issues and situations. Gorgias chose to rely on his awareness of the particularities of each situation to help him come up with compelling things to say.

Isocrates, too, emphasized the importance of *kairos*, claiming that people need to discuss prevailing issues before their currency dissipates:

The moment for action has not yet gone by, and so made it now futile to bring up this question; for then, and only then, should we cease to speak, when the

conditions have come to an end and there is no longer any need to deliberate about them. ("Panegyricus" 5:2)

For Isocrates, the urgency and currency of a situation demands action in the form of lively rhetorical exchanges about an issue. But if an issue has lost its immediacy, then the rhetor must not only deliberate about the issue but make a case for the issue's relevance.

KAIROS, CHANGE, AND RHETORICAL SITUATIONS

We believe, along with the sophists, that the world is always changing and that knowledge itself is full of contraries and never certain. *Kairos* draws attention to the mutability of rhetoric and discourse, of the ever changing arguments surrounding a particular issue. Further, *kairos* points to the situatedness of arguments and the ways in which different arguments depend on many different forces: the rhetor's political views, her past experiences, her particular stance on the issue at the time she composes a discourse, and the views of her audience at that time and place.

One way to consider the *kairos* of a particular issue is to pay careful attention to the arguments made by various sides in order to develop a better understanding of why people disagree about a given issue at a particular moment in time. A *kairos*-based discourse does not seek certainty prior to composing but rather views writing and speaking themselves as opportunities for exploring issues and making knowledge. A rhetoric that privileges *kairos* as a principle of invention does not present a list of rules for finding arguments but rather encourages a kind of ready stance, in which the rhetor is not only attuned to the history of an issue (*chronos*), but is also aware of the more precise turns the arguments surrounding an issue have taken and when they took these turns. In short, the rhetor must be aware of the issue's immediate relevance to the time, the place, and the community in which it arises. Consider in the following example the way Tom Turnipseed draws on *kairos* by offering moments in civil rights history and from his own experience together with recent events to argue for the continued relevance of the life of Dr. Martin Luther King, Jr:

RENEWING THE SPIRIT OF DR. MARTIN LUTHER KING, JR.: KING DAY AT THE DOME 2003

Columbia, SC—More than 50,000 people marched and rallied at the first annual King Day at the Dome at the South Carolina State House in 2000. The massive gathering sent a message to South Carolina's power structure that the Confederate battle flag had to be removed from atop our Capitol. Truth spoke to power when so many people paraded in peaceful protest and assembled at our seat of government to challenge the symbol of racial division and appeal for unity and fairness. You could feel the spirit of Dr. Martin Luther King, Jr. whose message of peace and justice challenged hatred and oppression and drew similar multitudes. . . .

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In the 1960s, I saw the Confederate flag waved by racist bigots shouting racial slurs at Wallace rallies throughout the United States as the feisty Alabama Governor railed against civil rights initiatives. Thirty years later, I observed the Confederate flag being waved by Klansmen in videotapes of a Klan rally in South Carolina in 1996 where the Grand Dragon of the Klan exhorted his followers to burn black churches in Clarendon County. By then I perceived the Rebel flag from a totally different perspective as an attorney for the Macedonia Baptist Church congregation, who sued the Klan for burning their church. They were awarded \$37,000,000.00 in damages by a Clarendon County jury in 1998. . . .

Trent Lott recently praised Strom Thurmond's Dixiecrat Presidential candidacy in 1948 and said the country "wouldn't have had all these problems" if Thurmond had been elected. Such a mainstream manifestation of racism demonstrates the need to reach out to unrepentant Rebels and others who may be playing cynical political games with racism and the Rebel flag. The Lott controversy called media attention to the folkways of the Senate Majority Leader's early childhood in Mississippi where poor whites hated the even poorer blacks in the age-old pecking order of traditional Southern poverty.

The Confederate flag was removed from atop the State House to the prominent Confederate soldier's monument in front of our Capitol on July 1, 2000 to comply with a Legislative "compromise." I stood next to an African-American minister friend as the flag was being repositioned. A snaggle-toothed, little white woman waggled her bony finger in my face exclaiming, "Go to hell Tom Turnipseed, you n——r lovin' SOB." Then she turned to my friend and said, "And you n——r, go back to Africa, the flag ain't on top of the State House no more, it's in your face now. I ain't got nothin'. I'm disabled, live in a single-wide, and dropped out of school in the eighth grade, but I've got somethin you ain't got." Holding her little white hand up next to my friend's black hand, she shouted, "I'm white and you are black."

Dr. King recognized that racism has kept poor people with the same socio-economic needs divided over skin color for 400 years. Four months before he was assassinated, he announced his "Poor People's Campaign" to unite the poor and working class people of all races.

Dr. King also said the options for humanity are "non-violence, or non-existence" and "the chain of evil—hate begetting hate, wars producing more wars—must be broken, or we shall be plunged into the abyss of annihilation." Join with us in his spirit of peace, justice and unity in Columbia, South Carolina on January 20, 2003 for the King Day at the Dome March and Rally. CommonDreams.org (January 9, 2003; full text at <http://www.commondreams.org/views03/0109-01.htm>)

With this article Turnipseed, a lawyer, writer, and civil rights activist who lives in Columbia, South Carolina, issues a sort of rallying cry. By beginning with a key moment three years earlier when Martin Luther King, Jr.'s birthday provided an occasion for active assertion of racial solidarity in a rally against the confederate flag, then by placing that event next to snapshotlike historical moments of the confederate flag's use as a symbol of racism, and ending with a surprisingly recent (1996) instance of Klan rallies in his own state, Turnipseed argues simultaneously that Martin Luther

King, Jr. both has inspired Americans in the past and needs to continue to impel Americans to strive for the betterment of racial relations in all parts of the country, especially in the South. Nonetheless, lest we think that race relations are "just fine" in our country or that Americans have more pressing things to worry about toward the beginning of 2002, Turnipseed invokes two very recent events—one that received national attention and one from his own experience—to firmly assert that combating racism through the commemoration of King is not only good but necessary. Most important, we see from these incidents that racism is still an urgent matter. Some may recall the Trent Lott incident mentioned in Turnipseed's article. Lott's comments, which revealed a nostalgia on his part for the days of segregation, received extensive national coverage and ultimately led to his resignation as Senate Republican leader on December 20, 2002, one month before the celebration of Martin Luther King, Jr.'s birthday. By placing Lott's nationally discussed comments next to his own brush with racism, Turnipseed heightens the article's urgency even more: explicit racism is just as pervasive as ever, especially in the American South, and those who want to speak out against it should do so loudly and publicly. Turnipseed both creates and draws on *kairos* to make his case: the historical details work together with very recent events to make his arguments relevant to those in his community and to the broader public as well.

Sometimes, however, rhetors may be interested in starting conversations about topics that aren't already infused with *kairos*. In the following example, Barbara Crossette creates an opening for a contemporary discussion about the term *slavery*:

Slavery has been in the news a lot lately. Last week, Mayor Rudolph W. Giuliani said a Mexico-based ring had been holding deaf Mexican illegal immigrants in "virtual slavery" in New York. A few days later, the Mayor himself was accused of condoning slavery by requiring at least some of the city's million-plus welfare recipients to work at community jobs. "Rudy, we will not be your slave drivers," said posters held by representatives of religious organizations and voluntary agencies who refused to participate in the city's workfare plan. Slavery is a label applied to low-wage workers in the garment and sportswear industries abroad and sweatshops in America cities. It is invoked to condemn the sex industry and prison labor.

But what is slavery nowadays anyhow? It is a question the United Nations has been wrestling with for decades by assigning experts to look at what are called "contemporary forms" of enslavement. There have been conventions signed and conferences held, and still the word is open to considerable interpretation. When scores of Thai workers were found confined to a compound behind razor wire in a garment sweatshop in California two years ago, an American Civil Liberties Union official said the news should hardly have come as a surprise, since slave labor in the state "is one of those dirty little secrets everyone knows about." (*New York Times*, July 27, 1997, 4:1).

At first glance, slavery would seem to be an issue with very little exigence or *kairos*, at least in the United States. In order to establish the contemporary use of the term as an issue with urgency and to get to her

point—that it is currently misused—Crossette cites several examples of practices referred to as slavery, and points out that UN officials are concerned with definitions of slavery. After demonstrating an awareness of the term *slavery*'s various uses in contemporary discourse, Crossette moves (in the full article from which the above quote was excerpted) to a history of slavery, citing its various forms in Babylon, Persia, Egypt, and the Roman Empire. Had she begun the article with the section about ancient slavery, the article might have read like history and not had much exigence as a consequence. Yet Crossette, attuned to the various dimensions of the issue and its connections to welfare, immigrant labor, and sweatshops, makes the article's historical work relevant to the subsequent discussion of slavery as a category.

QUESTIONS RAISED BY KAIROS

Remembering that *kairos* is a concept not only of time but of space, a rhetor concerned about *kairos* can explore questions such as these:

1. Have recent events made the issue urgent right now, or do I need to show its urgency or make it relevant to the present?
2. Which arguments seem to be favored by which groups at this point in time?
3. Which lines of argument would be inappropriate considering the prevailing needs and values of the audience?
4. What other issues are bound up with discourse about this particular issue right now, in this place and in this community? Why?
5. What are the particular power dynamics at work in an issue? Who has power? Who doesn't?
6. What venues give voices to which sides of the issues? Does one group or another seem to be in a better position—a better place—from which to argue? Why?
7. Does one group seem to have a louder voice than the others? Why is this so? Bear in mind that *kairos* is not only a temporal but also a spatial concept.

While you are considering the influence of time and place upon an issue, it might help to remember that *kairos* is akin to the Latin term *opportunitas*, an opening. Is there an opening for you to begin making new arguments on a particular issue? If not, can you create such an opening?

AN EXAMPLE OF KAIROS AT WORK

To demonstrate the usefulness of the questions raised by *kairos*, we consider the effects of a mammoth decision recently made by former Illinois governor George Ryan. On January 11, 2003 the conservative republican governor, in response to clear evidence of a corrupt state justice system,

commuted or reduced the sentences of all the state's death row inmates. The governor acted just two days before the close of his term. Because conservatives tend to favor capital punishment, Ryan's decision was surprising. Here is a segment of a report about his decision, written by Jodi Wilgoren:

TWO DAYS LEFT IN TERM. GOVERNOR CLEARS
OUT DEATH ROW IN ILLINOIS

Chicago, Jan. 11—Gov. George Ryan today commuted all Illinois death sentences to prison terms of life or less, the largest such emptying of death row in history.

With a single sweep, governor Ryan, a Republican, spared the lives of 164 men and 3 women who have served a collective 2,000 years for the murders of more than 250.

Governor Ryan's bold move was seen as the most significant statement questioning capital punishment since the Supreme Court struck down states' old death penalty laws, and it is sure to secure his legacy as a leading proponent of changing capital punishment, even as he faces possible indictment in a corruption scandal that stopped him from seeking re-election.

"The facts I have seen in reviewing each and every one of these cases raised questions not only about the innocence of people on death row, but about the fairness of the death penalty system as a whole," Governor Ryan planned to say this afternoon, according to an advance text of his remarks. "Our capital system is haunted by the demon of error, error in determining guilt and error in determining who among the guilty deserves to die."

Mr. Ryan acted one day after he took the extraordinary step of pardoning four condemned men outright and just 48 hours before the end of his term. (*New York Times*, January 12, 2003, A1)

Governor Ryan's action generated a good deal of writing and talking about the issue of the death penalty and related issues. We think that the decision and the period leading up to it brought the issue of the death penalty firmly to the fore of current events, locally and nationally, making the question of capital punishment a newly *kairotic* issue. That is, anticipation of the act and the act itself touched off arguments and raised issues about why the United States still takes such draconian measures, about corruption in state justice systems (many of the inmates on death row, it was revealed, had been tortured into confessing), about race and class, about nonpartisan politics, and about Ryan himself and his motivations. Ryan's decision also lent new urgency to the findings of a study of Maryland's death penalty released just as the public awaited Ryan's decision. The study showed that those accused of killing white people in Maryland are far more likely to be sentenced to death than those accused of killing non-white people (*Baltimore Sun*, January 8, 2003, 1B).

Of course Governor Ryan's decision did not come out of the blue; a long chain of events and a variety of forces came together to make the time right for Ryan to commute the sentences. About two months prior to the actual commutation, Illinois author David Wright chronicled some of these

forces in *Newsday*, and his account nicely details the *kairotic* moments that ultimately led to the nationally watched decision.

COURAGE MEETS DEATH ROW

Two years ago, two days before Anthony Porter's scheduled execution, a Northwestern University journalism professor and his students saved Porter from Illinois' death row, where he had spend the previous 16 years, by unearthing evidence that he had not committed the murder for which he was about to die. According to a spokesman for Gov. George Ryan, a longtime supporter of the death penalty, Porter's case "put a face on the whole problem" of capital punishment.

Since 1977, when the death penalty was reinstated in Illinois, 13 wrongfully convicted—and in some cases, innocent—men had been condemned to die, one more than was executed. Porter's highly publicized case stunned significant numbers of Illinois citizens into awareness, including the chief executive, who ordered a halt to all executions, a review of the death-penalty system, and for the last two weeks, clemency hearings for 142 prisoners on death row, a mass review unprecedented in U.S. history. Yet something had shifted between April, when the bipartisan commission empaneled by the governor released its exhaustive and ultimately damning report, and now. As the clemency hearings rage in panel rooms in Springfield and Chicago, politicians, editorialists, even members of the Prisoner Review Board itself, decry the very fact of the hearings.

Board member William Harris, formerly a state representative, claims, "There's nothing broken in our government." Both the Democratic and Republican gubernatorial candidates renounce the hearings, proclaiming themselves to favor reform without articulating how it will be achieved.

The *Chicago Tribune*, whose 1999 investigation contributed to the death-penalty commission's findings, repudiates Ryan's "hurry-up" fix and the "cruel hothouse atmosphere" it created. Op-ed contributor Dennis Byrne, in the *Tribune*, condemns Ryan as merely being "self-consumed with his 'legacy'" and for "mocking the law" at the expense of the families of victims who now must relive their pain. My local paper, the unapologetically conservative *Champaign-Urbana News-Gazette*, calls the hearings "a farce and a sham from Gov. Lame Duck."

Lost in all of this is the significance of Ryan's enormously courageous act.

Politics today is less about leadership than about the rhetoric of leadership. Ryan, first with the moratorium, and now the clemency hearings, has demonstrated the former. Understanding that political partisanship inevitably will retard and restrict his successor's ability to reform a justice system recognized as dangerously flawed, Ryan took the lead to assure that no innocent men are executed. . . .

His critics argue that his actions subvert the rule of law, but the state constitution grants him the power to offer clemency for the very purpose of checking the judicial branch when clear injustice demands it. The 13 death row inmates whose exoneration provoked the moratorium demand it. All those sentenced to die nationwide, only to be found not guilty—their numbers have been estimated at more than 100—demand it.

The reforms proposed by the governor's commission, which echo in the background of the clemency hearings, can only add a long-needed measure of scrutiny to how suspects from poor communities are treated in the criminal justice system.

Anthony Porter, the man whose case started all of this, attended the clemency hearings and, after sitting through one case, left in tears. "The same thing happened to me," he said. The inmate under review was "not like they are painting him to be."

Porter's story reminds us that we construct our bugaboos, that our fear of these imagined "monsters" can impact our daily lives, in particularly how we judge, how we sentence, how we vote. Gov. Ryan, it would seem, has recognized this. His legacy, his political future and that of his party be damned, Ryan has chosen to do the right thing. (*Newsday*, October 27, 2002, A28)

Wright's story indicates that the work of the Northwestern students first gave this issue local *kairos* by drawing attention to flaws in the state judicial system. The other historical details provided by Wright reveal the complexity of the issue, but they also underscore its urgency: a good deal is at stake in the issue of a corrupt system that is wrongfully executing people. By detailing the dissonant responses coming from all sides of the political spectrum, Wright also demonstrates the issue's connection to the state of politics today and to his own argument about the ways poor (often black) criminals get produced as "monsters" and punished as such. Both of these moves anticipate arguments that would emerge after Ryan's decision to commute all the death sentences. Whereas Anthony Porter functions as the face of *kairos* in Wright's precommutation story, the face of Governor Ryan would become the force of *kairos* when his decision to commute the sentences two months later brought the issue national attention. At this point Ryan's highly visible action occasioned all sorts of arguments.

Here are excerpts from a story in which Sheryl McCarthy uses Governor Ryan's recent action as an opportunity to raise questions about peace, the international perception of the United States and humanitarianism:

A committee headed by a University of Illinois law professor says it plans to nominate Illinois' departing governor, George Ryan, for the Nobel Peace Prize this year because of his "heroic" and "principled" stand on the death penalty. . . .

The United States is almost the last large, democratic, economically developed country that embraces the death penalty. The rogues' gallery of countries that still execute people includes the governments we love to hate, among them Iraq, Iran and North Korea, along with our allies Egypt, Saudi Arabia and Pakistan.

Capital punishment has become such an embarrassment for the United States that countries such as France have refused to extradite American fugitives unless we promise not to try to execute them.

You might ask: So what does attacking the death penalty have to do with world peace?

Previous Nobel Prize winners have included humanitarians such as Mother Teresa as well as others who have negotiated peace agreements. Professor

Boyle said his committee believed the Nobel Prize committee was leaning toward rewarding the efforts of more human-rights activists.

Governor Ryan's administration has been tainted by an investigation into the sale of driver's licenses when he was secretary of state. If he survives it without serious damage, his stand on the death penalty will be what he is remembered for. On Friday, with three days left in his term, he pardoned four death-row inmates, saying their confessions had been coerced by Chicago police. Then, on Saturday, he commuted the death sentences of 167 people to life in prison.

He has taken a giant step toward eliminating the death penalty—an archaic, inhumane and capricious punishment in the world's most powerful country.

Many have won prizes for less. (*Newsday*, January 13, 2003, A34)

By engaging the question of whether or not Ryan should be awarded a Nobel Peace Prize and by casting Ryan's response as decidedly humanitarian, McCarthy is able to connect two issues with heightened *kairos*. Ryan's decision, that is, came at a time when newspapers were full of stories about a possible war with Iraq and tenuous relations between the United States and North Korea. At a time when U.S. foreign policy is regularly receiving criticism from around the globe for its seeming lack of humanitarian considerations, McCarthy adds the death penalty to the list of policies that deserve reconsideration, all the while praising a leader for placing nonpartisan value on human life.

Governor Ryan's decision, as Wright's article forecasts, spawned negative reactions from the left of the political spectrum as well as the right. David Firestone, a writer for the *New York Times*, reported in an article entitled "Absolutely, Positively for Capital Punishment" on the negative response from members of the Democratic party:

Rod R. Blagojevich, the Democrat who succeeded Mr. Ryan as governor on Monday, said the clemency was "terrible" and a "gross injustice." . . . And Senator Joseph I. Lieberman of Connecticut, who entered the presidential race last week, issued a bitter denunciation.

"Governor Ryan's action was shockingly wrong," Mr. Lieberman said in an interview on Friday. "It did terrible damage to the credibility of our system of justice, and particularly for the victims. It was obviously not a case-by-case review, and that's what our system is all about." (*New York Times*, January 19, 2003, Section 4, page 5)

Many others worried about erosion of faith in the justice system and used the opportunity to support the justice system and argue for a case-by-case consideration of death penalty convictions. Still, even staunch capital punishment advocates could not back the death penalty if the justice system is potentially faulty. Rod Dreher, a senior writer for the conservative publication *National Review*, posed the question this way: "Is it so important to make a statement by killing at least some murderers that we are willing to live with the possibility—the inevitability—of putting an innocent man to death?" (*National Review Online*, January 13, 2003, <http://www.nationalreview.com/dreher/dreher011303.asp>). Dreher used the Ryan

decision as his opening to shift the question away from the death penalty to another solution to the commission of heinous crimes: high security prisons, which he believes allow for the almost universally desired possibility of still freeing innocent people. In his article entitled "Gov. Ryan Did the Right Thing" Drehrer, while troubled by injustices uncovered in Illinois, nonetheless finds a way to change the subject while avoiding sounding like a liberal. In other words, he takes advantage of the *kairotic* moment opened by Ryan's decision as an opportunity to engage the question of high security prisons while still appealing to the audience of *National Review*.

Still other writers in support of Ryan's action seized the *kairotic* moment to raise questions about partisan politics in the United States. Geov Parrish makes such an argument:

Enthusiasm for the death penalty in America has historically been cyclical, and it's perhaps a hopeful sign for those concerned about other forms of state violence that the execution tide now appears on the way out. In the last six months, a stream of federal court rulings have raised new questions and curbed some of the more wretched excesses of the modern expansion of capital sentencing. A fundamental reexamination, spurred by the courage of people like George Ryan, is on the way.

But it shouldn't take courage to do the right thing. It should be what we expect, what we demand, of our political leaders; it should be a job requirement. In a complex society with countless intractable challenges, the best answers often won't be the simplest or most popular. The current fad of claiming to "run government like a business" is usually an excuse for corporate welfare and cuts to the needy, but in one respect, such leadership would be nice to change. Successful business executives generally don't get to the top by pandering. (January 13, 2003; full text at <http://www.workingforchange.com>)

The exploration of an issue's history, along with its implications for the future, can produce rich possibilities for understanding an issue and its relationship to contemporary culture. Ancient rhetoricians would have recognized Parrish's use of the common topics of past and future fact as useful ways to contextualize this issue (see Chapter 4, on ideology and the commonplaces).

A rhetor who wants to address the issue of the death penalty, then, should make herself aware of the various arguments in circulation for and against it, the alternatives proposed to it, and the history of the question, as well as other related issues raised in the discussion. A *kairotic* stance is fully aware of the context—the rhetorical situation—within which any issue is discussed. Such a *kairotic* stance enables a more informed and persuasive rhetorical approach to this or any issue.

URGENCY: HOW URGENT OR IMMEDIATE IS THE ISSUE?

Usually urgency depends on the audience as well as the existing situation—on recent activity around the issue. On one hand, for some activists, such as the Abolitionist Activist Group, an organization that continually

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vies to have the death penalty eliminated, the issue of capital punishment always bears a certain degree of urgency. Likewise, people involved with Justice For All, a Texas-based group that continually argues for legislation to maintain capital punishment, are highly invested in the issue, as well. An audience comprised largely of college students, on the other hand, might need to be convinced that the issue is pressing and that action needs to be taken. In the case of Illinois, capital punishment was not foremost on the state government's agenda as an issue until students at Northwestern produced new evidence that prompted direct action. As the students demonstrated, with any issue it is advantageous to ask, What is going on at this moment that might help the audience see that now is the time for action? In 2002, for example, when the state of Illinois was conducting its investigation into the efficacy of the death penalty, and in June of 2001, when Timothy McVeigh was executed in Indiana for bombing the Murrah Federal Building in Oklahoma City, the issue of capital punishment bore a good deal of immediacy. But an issue does not have to be under national scrutiny to have a degree of urgency. For example, if a teenager in Arizona (a state with a death penalty) were tried as an adult for murder, then capital punishment would likely resonate there as an issue worth debating more than it would, say, among residents of Michigan, who have not heard about the case on their local news and who live in a state without a death penalty. Current events both nationally and in local communities are important to consider when trying to gauge the *kairos* of a particular issue.

ARGUMENTS AND INTERESTS

Another important consideration for a *kairotic* stance involves the specific arguments that are currently circulating about a particular issue. Who makes what arguments and why? For example, what **interest** might motivate a conservative writer like Rod Drehrer to use the Ryan decision as an occasion to support funneling money into supermax prisons? What values are privileged in his rhetoric, and which groups would accept or reject his criticism? Considering the interests at stake in an issue can help a rhetor decide the most advantageous way to frame an argument for a particular audience at a particular time. Capital punishment is a highly complex issue that resonates differently among groups with differing political and social agendas. Groups or individuals may agree on a particular issue for very different reasons. People who believe that punishment should "fit" a crime, for example, tend to support administration of the death penalty for those convicted of murder. Likewise, the families of the crime victims may feel that the administration of capital punishment corrects the wrong of capital murder. And yet the American Friends Service Committee, with its project The Religious Organizing Against the Death Penalty, can argue, also on moral grounds, that killing is wrong in every case, including administration of the death penalty by the state. Abolitionist groups such as Citizens United Against the Death Penalty strive to offer alternatives to capital punishment. More moderate groups, such as the investigative committee

formed by Governor Ryan, worry about meting out capital measures in corrupt and biased justice systems.

As you can see, concerned groups are invested in the issue of capital punishment for different ideological reasons. Before launching an argument about a hot social issue like capital punishment, then, a rhetor who wishes to argue persuasively would do well to tune in to arguments already in circulation. Furthermore, she should interrogate the values and assumptions that drive those arguments. Rhetors who do this can maintain a *kairotic* stance that readies them to speak to various sides of the issue, supporting those they find convincing and refuting those with which they disagree.

To examine and invent arguments using *kairos* is to consider the power dynamics at work in a particular issue in addition to the recent events and arguments that press on it. The questions to ask here are:

Which arguments receive more attention?

Who is making these arguments?

Which arguments receive less attention?

Who is making these arguments?

When capital punishment arises as an issue, reporters often request statements from groups already organized, such as victims' groups or civil rights groups like the ACLU. In other words, organized groups often have more power to be heard in given rhetorical situations than people who are unaffiliated with a relevant group. Government leaders, too, are asked to make known their stances on such issues; when Governor Ryan announced the commutations, for example, most U.S. senators and governors went on record supporting or disagreeing with Ryan's action. The arguments made by leaders already holding political offices received far more scrutiny and attention from the press after Ryan announced his decision than did the arguments made by a professor who nominated Ryan for a Nobel Prize. Furthermore, with the exception of the students from Northwestern, we rarely hear or read the opinions of young people about capital punishment. Writers often speculate about the future of capital punishment in America without bothering to ask those who will someday make such decisions. How do we account for the absence of the voices of the young from public discourse about the death penalty? Could it be that this group is apathetic? Or does their nonvoting status have something to do with the undervaluing of their position? All of these questions and more are raised by consideration of the power dynamics at work in any rhetorical situation (see Chapter 6, on *ethos*, for more discussion of power relations in rhetoric).

A WEB OF RELATED ISSUES

Rhetorical situations are complex, and a rhetor who is attuned to *kairos* demonstrates an awareness of the many values and the differential power dynamics that are involved in any struggle over an issue. As we showed

earlier, different values can underlie what appear to be very similar arguments. Furthermore, the stakes in an argument can shift according to who is speaking, as is illustrated by the contrasting arguments on capital punishment, above. A rhetor attuned to *kairos* should consider a particular issue as a set of different political pressures, personal investments, and values all of which produce different arguments about an issue. These diverging values and different levels of investment connect to other issues as well, producing a weblike relationship with links to other, different, new but definitely related rhetorical situations.

The issue of capital punishment is linked to the issue of justice systems in general, an issue that has been debated since ancient times. The Ryan decision, as we have seen, opened up all sorts of questions about justice, about victims' rights, humanitarian acts, nonpartisan politics, and super-max prisons, for starters. These issues connect to other issues, forming a web with seemingly endless possibilities, or "openings," for arguments.

We are not suggesting that a rhetor should address all the values and actions pressing on a particular issue at a particular time. Rather, we recommend that rhetors be aware of the issue's ever shifting nuances, which might lead to new opportunities for rhetorical arguments. Considering the wealth of possibilities produced by attention to an issue's *kairos*, it is no wonder that Gorgias was bold enough to say to the Athenians, "Suggest a subject," and remain confident that he could make a rhetorical argument about it on the spot.

EXERCISES

1. Survey a variety of magazines and newspapers and select a handful of articles on a given issue. How does each article draw on or create *kairos*? Is the issue so pertinent or urgent that little needs to be done to establish the article's relevance? Do some writers or speakers use an opportune moment to "change the subject" and argue about a separate but related set of issues? Write a brief (2-3 page) account of *kairos* in the selection of articles.
2. Using a library periodical database such as LexisNexis or the Internet, look for a few recent articles on the death penalty. How has the *kairos* changed since we wrote this book? Has the Illinois situation spawned similar studies and actions in other states, or has its *kairos* "fizzled"?
3. Choose an issue and read broadly about it, keeping track of the various perspectives. Then, make a visual "map" of the arguments, tracking how the main issue gives rise to others. The map may look like two sets of lists, or it may be more sprawling with lots of offshoots, like a broad web. Be sure to include in the map the arguments people are making, who the people are, and what values they seem to be asserting. Now practice creating *kairos*. Choose an issue and compose an opening paragraph that shows how the issue matters for people you may be addressing.